

**Jail Overcrowding – A Serious Problem
Requiring Comprehensive Solutions**

Michigan Association of Counties
Annual Conference
August 19, 2003

KALAMAZOO COUNTY

**Chief Judge J. Richardson Johnson
9th Circuit Court**

From: Denise WILSON
To: STATS
Date: 7/23/03 5:58AM
Subject: DAILY STATS

J A I L P O P U L A T I O N

Wednesday July 23, 2003 336

ALTERNATIVE PROGRAM AVAILABILITY

PRETRIAL CASE MANAGEMENT SLOTS AVAILABLE	25
ALCOHOL UNITS AVAILABLE	4
TETHER UNITS AVAILABLE	5
K-PEP WOMEN'S FACILITY AVAILABLE BEDS	5
K-PEP MEN'S FACILITY AVAILABLE BEDS	5

KALAMAZOO COUNTY, MICHIGAN
JAIL OVERCROWDING RELEASE PROCEDURE

COUNTY JAIL OVERCROWDING ACT
Michigan Compiled Law 801.51 et seq

The County Jail Overcrowding Act establishes the procedure to reduce overcrowding of the county jail. The Act sets forth the responsibilities of the Sheriff and the Chief Judge of the Circuit Court to reduce jail overcrowding.

The Kalamazoo County Judges have developed a process to review and release sentenced prisoners from the Kalamazoo County Jail. This summary outlines the statutory process and the judges' agreement covering release of sentenced prisoners.

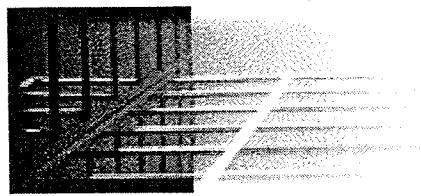
PROCESS FOR A REDUCTION OF THE SENTENCE OF SENTENCED JAIL INMATES

- Step 1. Certification of Overcrowding. The Sheriff provides a Jail Overcrowding Notification when the Kalamazoo County Jail has exceeded 100% of its rated design capacity for seven consecutive days. MCL 801.52.
- Step 2. Declaration of State of Emergency and Notice of State of Emergency. The Sheriff declares a County Jail Overcrowding State of Emergency. MCL 801.53. The Sheriff notifies the Chief Circuit Judge, the Chief District Judge, the Chairperson of the County Board of Commissioners, the County Prosecutor and the Chief Law Enforcement Official of each State, County and Municipal Law Enforcement Agency located in the County. MCL 801.54.
- Step 3. Attempts to Reduce Prisoner Population. Beginning with the Declaration of the County Jail Overcrowding State of Emergency, the Sheriff, Judges and other persons notified of the Declaration may use any available means within the scope of their individual and collective legal authority to reduce the prisoner population. MCL 801.55. Step 3 continues for 14 days from the Declaration of the County Jail Overcrowding State of Emergency. MCL 801.56(2).
- Step 4. Further Actions to Reduce County Jail Population - Interim Release. MCL 801.56. If the Step 3 efforts to reduce the jail population have not reduced the county's jail population to the mandatory level, the Sheriff will present to the Chief Circuit Judge a list of sentenced inmates who are nearing the end of their sentence. The list will include the name, the reason for incarceration, the sentence and the days remaining on the sentence. If a Judge has an objection to the release of an inmate that he or she has sentenced, the inmate will not be released. The Chief Circuit Judge will consider other objections in determining whether an inmate should receive a time cut. The memorandum and list will be provided to all County Judges, the Prosecutor, and the Probation Offices

serving each court. The list may also be provided to other persons and agencies. Within 24 hours of receiving the Sheriff's list, the Chief Circuit Judge will notify the jail of the candidates whose sentences may be reduced and immediately released.

If the interim release process has not reduced the County's jail population to the mandatory level, the Sheriff will provide a final list of prisoners eligible for sentence reduction. MCL 801.56(2)(3). The list will also be provided to the persons and agencies who received the list used for the interim release process. The Chief Circuit Judge will classify the prisoners into two groups: those, who if released, would present a high risk to public safety; and those, who if released, would not present a high risk to public safety. The Chief Circuit Judge will also determine the minimum and maximum percentage by which the sentences can be reduced.

- Step 5. Reduction of Prisoners' Sentences. If the processes undertaken during Step 4 have not reduced the County Jail's population to the mandatory level, the Sheriff will reduce the sentences of all prisoners as provided by the County Jail Overcrowding Act and provide notice of the end of the emergency. MCL 801.56, 801.57 and 801.59.



2002

Jail Overcrowding - Early Release Data

- Overview -

**227 inmates released early
(12% had previously been released early)**

- 3,265 total days cut from their sentences
(average of 13 days per inmate)
- Average # of previous criminal convictions: 4.4
- Average # of previous bookings at KCSD: 4.6
- 90% of the released inmates have been enrolled in Alternative Programming
(an average of 3 opportunities in Alternative Programs)
- Total owed in child support: \$1.3 million
- 66% of those released early were re-arrested and/or had new warrants issued
 - average # of days between early release and new arrest: 118
 - # of individuals re-arrested before their scheduled out-date: 7

2002

JAIL OVERCROWDING EARLY RELEASE SUMMARY

The average daily capacity of the jail has consistently exceeded the state's rated capacity of 327 for the last several years; the population averages 340-350 per day. The jail population has spiked as high as 384 in this year alone. Under State Statute, the inmate population at the Kalamazoo County Jail must be reduced to 317 when it has exceeded its capacity for a period of 38 consecutive days. The County Jail Overcrowding Act established a procedure to reduce overcrowding, which calls for the review of all sentenced inmates for potential early release. In 2002, constant overcrowding at the County Jail caused nine (9) early releases to occur.

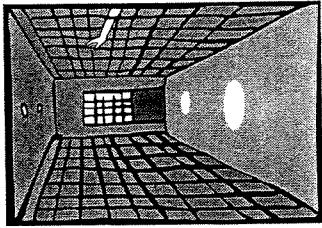
The only inmates who can be considered/reviewed for release under the overcrowding act are sentenced inmates. Sentenced inmates make up approximately 40% of the jail population. The primary offense for which they are considered for release (data on page 2) is the sentenced offense with the furthestmost date of release.

The data summarized here begins with total cases reviewed and then moves to those who were released. More specific information is then provided about those inmates that re-offended after being released early.

# of Sentenced Inmates Reviewed	# Housed out to another jail facility (rental beds)	Average Days Cut from Sentence - per inmate	Average # of previous criminal convictions
January 31, 2002	55 (estimate)	January 31, 2002	3.08
February 7, 2002	43	February 7, 2002	2.74
February 13, 2002	47	February 13, 2002	9.70
February 20, 2002	122 (estimate)	February 20, 2002	13.81
March 20, 2002	124	March 20, 2002	19.00
June 26, 2002	123	June 26, 2002	18.28
August 28, 2002	120	August 28, 2002	12.36
November 20, 2002	119	November 20, 2002	20.38
December 18, 2002	98	December 18, 2002	16.40
TOTAL	851	19	12.86
Total Days Cut from Sentence	# Released		
January 31, 2002	40	January 31, 2002	3.69
February 7, 2002	52	February 7, 2002	3.26
February 13, 2002	262	February 13, 2002	3.30
February 20, 2002	428	February 20, 2002	7.45
March 20, 2002	437	March 20, 2002	5.61
June 26, 2002	731	June 26, 2002	5.83
August 28, 2002	173	August 28, 2002	3.86
November 20, 2002	978	November 20, 2002	3.32
December 18, 2002	164	December 18, 2002	3.60
TOTAL	3,265	227	4.44

Average # of previous bookings at KCSD

January 31, 2002	1.92
February 7, 2002	4.95
February 13, 2002	5.41
February 20, 2002	4.59
March 20, 2002	4.48
June 26, 2002	5.05
August 28, 2002	4.50
November 20, 2002	5.04
December 18, 2002	5.60
TOTAL AVERAGE	4.62



of inmates with previous early releases

	%
January 31, 2002	1 8%
February 7, 2002	0 0%
February 13, 2002	0 0%
February 20, 2002	4 13%
March 20, 2002	7 30%
June 26, 2002	5 13%
August 28, 2002	3 21%
November 20, 2002	7 14%
December 18, 2002	0 0%
TOTAL	27 12%

Primary Offense Type (for which they are incarcerated)

	Assaultive/ Violent	Drug Offenses	Child Support	Alcohol/Drunk Driving	Property	Criminal Sexual Conduct	Traffic	Other
January 31, 2002	0	4	0	3	2	0	2	2
February 7, 2002	8	2	2	4	2	0	0	1
February 13, 2002	5	7	4	1	8	0	1	1
February 20, 2002	2	8	11	2	6	0	0	2
March 20, 2002	6	4	6	2	2	0	1	2
June 26, 2002	4	9	12	1	7	1	3	3
August 28, 2002	1	3	5	2	1	0	2	0
November 20, 2002	6	5	19	6	7	0	5	2
December 18, 2002	1	0	2	1	4	0	1	1
TOTAL	33	42	61	22	39	1	15	14

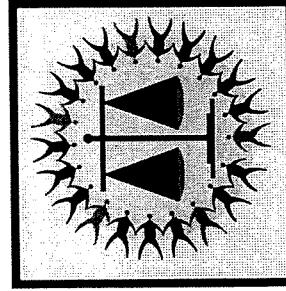
ALTERNATIVE PROGRAMMING

of Released inmates previously enrolled in Alternative Programming

	%
January 31, 2002	12 92%
February 7, 2002	17 89%
February 13, 2002	25 93%
February 20, 2002	31 100%
March 20, 2002	22 96%
June 26, 2002	35 88%
August 28, 2002	12 86%
November 20, 2002	43 86%
December 18, 2002	8 80%
TOTAL	205 90%

Average # of Opportunities in Alternative Programs

January 31, 2002	2.62
February 7, 2002	3.58
February 13, 2002	3.63
February 20, 2002	3.45
March 20, 2002	4.17
June 26, 2002	3.15
August 28, 2002	2.29
November 20, 2002	3.02
December 18, 2002	1.67
TOTAL AVERAGE	3.06



FOC Cases

FOC inmates Released

January 31, 2002	1
February 7, 2002	1
February 13, 2002	3
February 20, 2002	15
March 20, 2002	7
June 26, 2002	12
August 28, 2002	5
November 20, 2002	19
December 18, 2002	2
TOTAL	65

Average # of FOC Bench Warrants

January 31, 2002	3.00
February 7, 2002	4.00
February 13, 2002	7.33
February 20, 2002	3.93
March 20, 2002	4.14
June 26, 2002	2.08
August 28, 2002	7.20
November 20, 2002	4.42
December 18, 2002	1.00
TOTAL AVERAGE	4.19

Average # of previous criminal convictions

January 31, 2002	5.00
February 7, 2002	3.00
February 13, 2002	3.50
February 20, 2002	7.20
March 20, 2002	1.71
June 26, 2002	5.17
August 28, 2002	7.00
November 20, 2002	3.63
December 18, 2002	1.50
TOTAL AVERAGE	4.19

Total Amount Owed

January 31, 2002	\$ 28,071.51
February 7, 2002	\$ 2.00
February 13, 2002	\$ 8.00
February 20, 2002	\$ 377,837.04
March 20, 2002	\$ 187,397.14
June 26, 2002	\$ 235,707.63
August 28, 2002	\$ 102,487.33
November 20, 2002	\$ 377,719.92
December 18, 2002	\$ 41,314.73
TOTAL	\$ 1,350,545.30

Total Amount Owed to State

January 31, 2002	\$ 14,412.42
February 7, 2002	\$ -
February 13, 2002	\$ 22,798.83
February 20, 2002	\$ 129,622.00
March 20, 2002	\$ 76,812.57
June 26, 2002	\$ 120,261.29
August 28, 2002	\$ 45,678.42
November 20, 2002	\$ 224,763.83
December 18, 2002	\$ 17,245.41
TOTAL	\$ 651,594.77

Total Amount Owed to Children

January 31, 2002	\$ 13,659.09
February 7, 2002	\$ 22,683.78
February 13, 2002	\$ 89,796.43
February 20, 2002	\$ 248,215.04
March 20, 2002	\$ 110,584.57
June 26, 2002	\$ 115,446.34
August 28, 2002	\$ 56,808.91
November 20, 2002	\$ 152,986.09
December 18, 2002	\$ 24,069.32
TOTAL	\$ 834,219.57

Average # of FOC Cases

January 31, 2002	4
February 7, 2002	2
February 13, 2002	2
February 20, 2002	1
March 20, 2002	3
June 26, 2002	2
August 28, 2002	2
November 20, 2002	2
December 18, 2002	6
TOTAL	3

Most Amount Owed

January 31, 2002	\$ 28,071.51
February 7, 2002	\$ 22,683.78
February 13, 2002	\$ 54,545.48
February 20, 2002	\$ 91,197.54
March 20, 2002	\$ 102,451.78
June 26, 2002	\$ 36,213.76
August 28, 2002	\$ 56,617.49
November 20, 2002	\$ 66,823.94
December 18, 2002	\$ 12,123.46

Re-Arrest Information for Early Released Inmates

as of March 3, 2003

of Individuals arrested and/or new warrants issued since early release

	# of Individuals arrested and/or new warrants issued since early release	%
January 31, 2002	12	92%
February 7, 2002	12	63%
February 13, 2002	22	81%
February 20, 2002	29	94%
March 20, 2002	20	87%
June 26, 2002	30	75%
August 28, 2002	10	71%
November 20, 2002	12	24%
December 18, 2002	3	30%
TOTAL AVERAGE	17	

Average # of Warrants per Individual

	Average # of Warrants per Individual
January 31, 2002	3
February 7, 2002	2
February 13, 2002	2
February 20, 2002	1
March 20, 2002	1
June 26, 2002	2
August 28, 2002	1
November 20, 2002	2
December 18, 2002	1
TOTAL AVERAGE	2

of Individuals with New Warrants

	# of Individuals with New Warrants	%
January 31, 2002	8	62%
February 7, 2002	8	42%
February 13, 2002	9	33%
February 20, 2002	12	39%
March 20, 2002	13	57%
June 26, 2002	19	48%
August 28, 2002	6	43%
November 20, 2002	7	7
December 18, 2002	1	14%
TOTAL	83	10%

of New Warrants issued

	# of New Warrants issued	%
January 31, 2002	8	62%
February 7, 2002	8	42%
February 13, 2002	9	33%
February 20, 2002	12	39%
March 20, 2002	13	57%
June 26, 2002	19	48%
August 28, 2002	6	43%
November 20, 2002	7	7
December 18, 2002	1	14%
TOTAL	126	

of Individuals Arrested

	# of Individuals Arrested	%
January 31, 2002	4	31%
February 7, 2002	4	21%
February 13, 2002	13	48%
February 20, 2002	17	55%
March 20, 2002	7	30%
June 26, 2002	11	28%
August 28, 2002	4	29%
November 20, 2002	5	10%
December 18, 2002	2	20%
TOTAL	67	

of New Arrests

	# of New Arrests	%
January 31, 2002	5	5
February 7, 2002	5	5
February 13, 2002	23	23
February 20, 2002	35	35
March 20, 2002	11	11
June 26, 2002	13	13
August 28, 2002	5	5
November 20, 2002	7	7
December 18, 2002	2	2
TOTAL	106	

Re-Arrested before scheduled out date

	# Re-Arrested before scheduled out date
January 31, 2002	0
February 7, 2002	0
February 13, 2002	2
February 20, 2002	0
March 20, 2002	0
June 26, 2002	1
August 28, 2002	0
November 20, 2002	3
December 18, 2002	1
TOTAL	7

Average # of Arrests per Individual

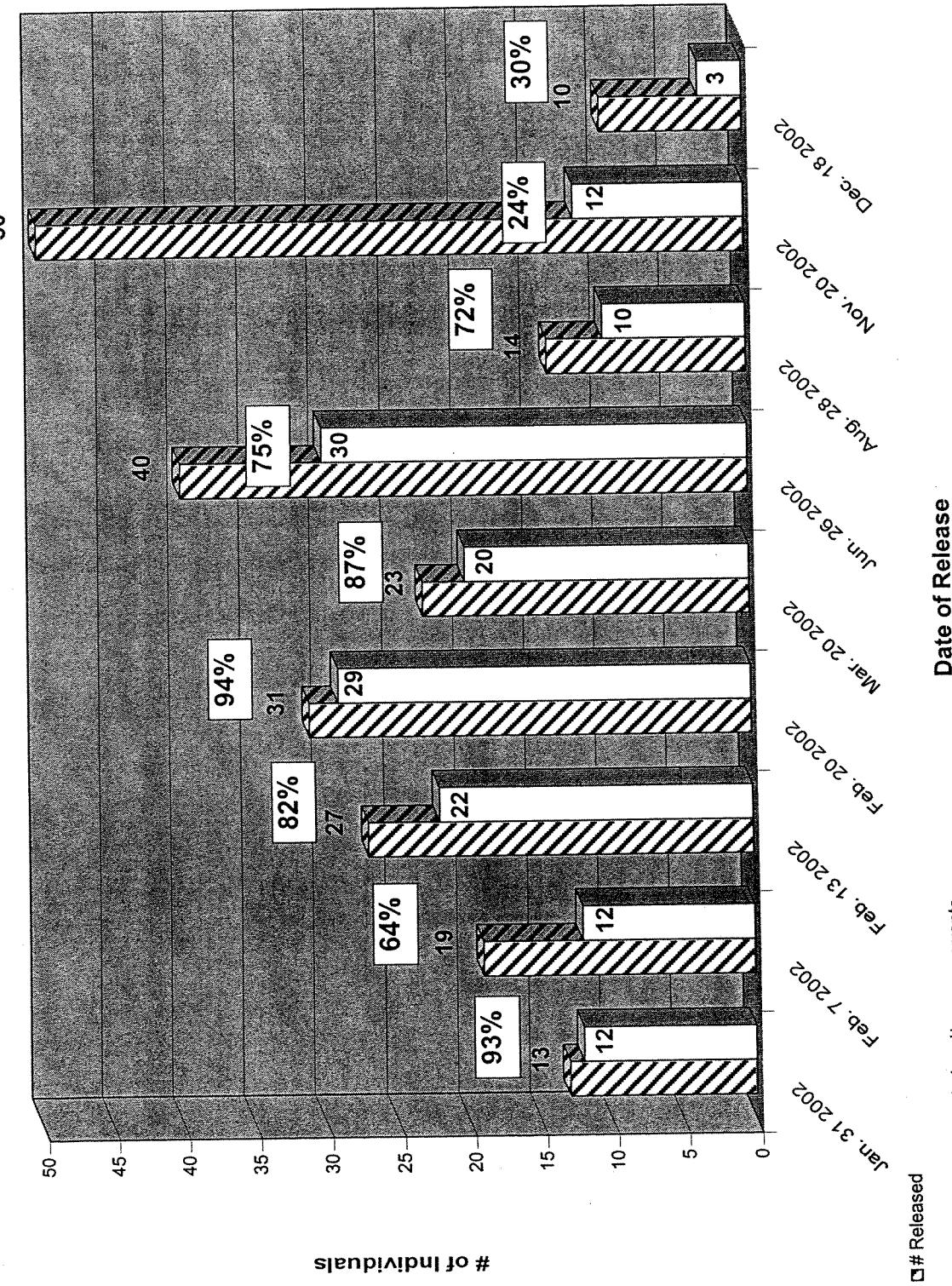
	Average # of Arrests per Individual
January 31, 2002	3
February 7, 2002	2
February 13, 2002	2
February 20, 2002	2
March 20, 2002	2
June 26, 2002	1
August 28, 2002	1
November 20, 2002	1
December 18, 2002	1
TOTAL AVERAGE	2

Average # of days between early release and new arrest

	Average # of days between early release and new arrest
January 31, 2002	146
February 7, 2002	158
February 13, 2002	125
February 20, 2002	158
March 20, 2002	154
June 26, 2002	121
August 28, 2002	117
November 20, 2002	37
December 18, 2002	42
TOTAL AVERAGE	118

Data as of March 3, 2003

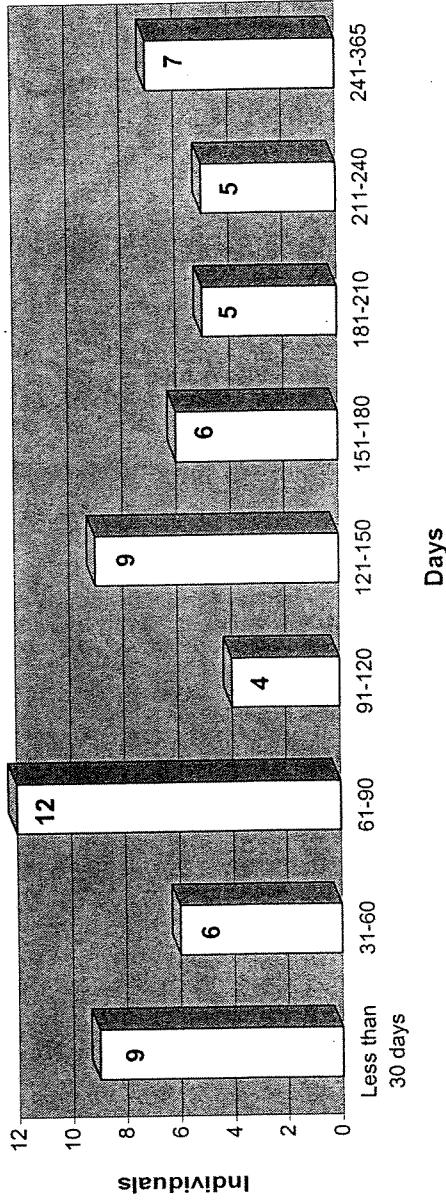
of Inmates released early and # Re-Arrested/Warrants issued since release



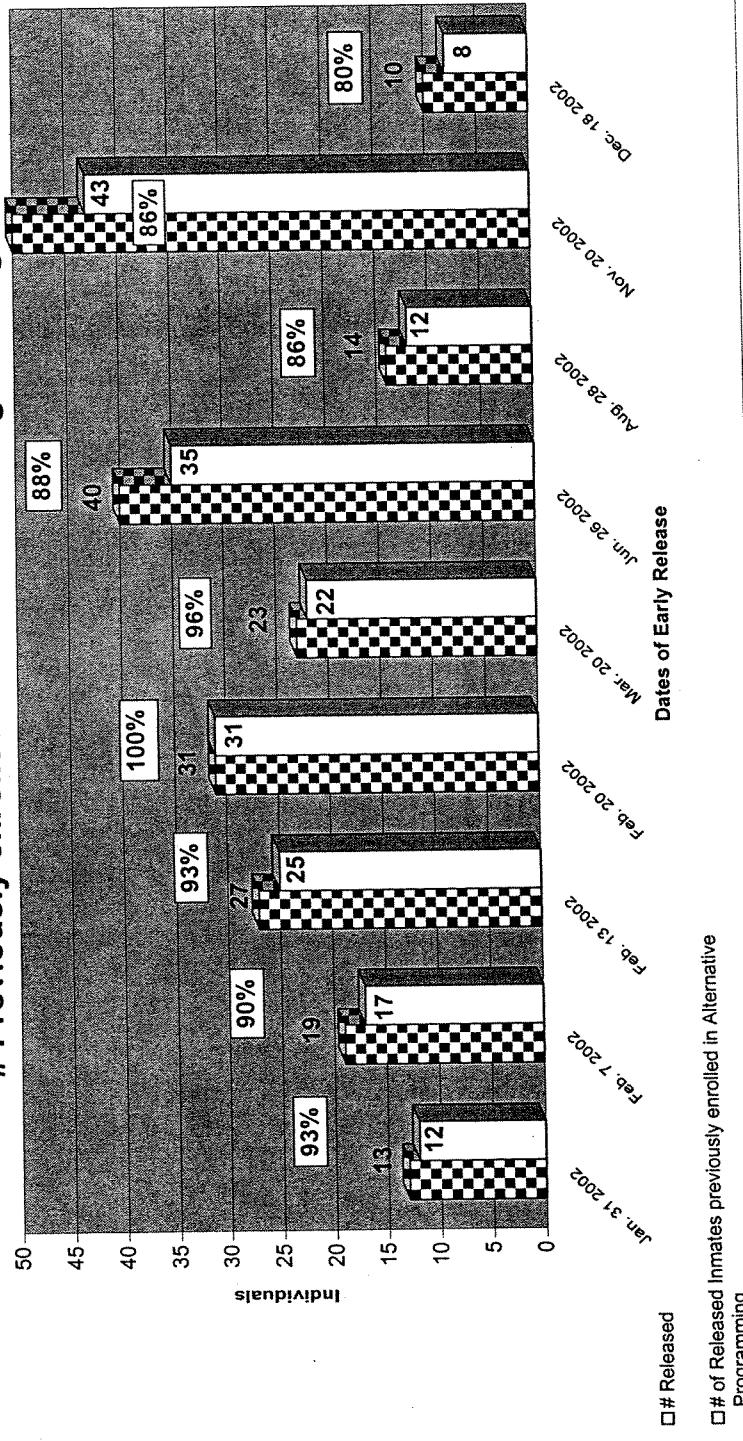
Released

of Individuals arrested and/or new warrants issued since early release

Days Between Early Release and Re-Arrest



Previously enrolled in Alternative Programming



Primary Offense Type

